

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2861 of 1983

Date of decision: 25-4-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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FULJIBHAI VAHJIBHAI CHAUDHARI

Versus

DIST DEVELOPMENT OFFICER  
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Appearance:

MR Asim Qureshi for Petitioners  
MR V.B.Gharania for Respondent No. 3  
None present for respondents No.1&2  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/04/97

ORAL JUDGEMENT

The matter was called out for hearing in the first round, second and lastly in the third round. None appeared on behalf of respondents No.1 and 2. Heard the learned counsel for the petitioner and respondents No.3, and perused the special civil application.

2. This special civil application was ordered to be heard along with special civil application No.1259 of 1982, which was stated to be a cognate matter. Learned counsel for the petitioner admits that special civil application No.1259/82 has been decided and the same has been dismissed. Contention has been raised by the counsel for the petitioner that under Rule 43B of the Gujarat Land Revenue Rules, 1972, Collector was the only competent authority to dispose of small strips of land adjacent to occupied unalienated building sites. Whereas the land in dispute has been disposed of by the District Development Officer who was not competent. I do not find any substance in this contention for the reasons firstly that no such point has been raised by the petitioner before respondent No.3, and secondly the learned counsel for the petitioner has failed to show that the powers of Collector under Rule 43B of the Rules could not have been delegated to the District Development Officer. It has next been contended that the procedure has not been followed before disposing of the land in dispute. No notice whatsoever has been given to the public at large. This contention of the petitioner is again devoid of any substance. There is finding of fact that proper procedure was followed before disposing of the land by the concerned Authority.

3. No other point has been raised.

4. In the result the special civil application fails and the same is dismissed. Rule discharged. Interim relief granted earlier by this Court stands vacated. No order as to costs.

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